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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,250	10/10/2006	Thierry Cohignac	284850US2PCT	3470
22850	7590	09/24/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BLOUNT, ERIC	
ART UNIT	PAPER NUMBER			
			2612	
NOTIFICATION DATE	DELIVERY MODE			
09/24/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/566,250	<b>Applicant(s)</b> COHIGNAC ET AL.
	<b>Examiner</b> ERIC M. BLOUNT	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-166/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1.     **Claims 6-8 and 14-16** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

2.     The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.     **Claims 1-16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a.       Regarding **claim 1**, the word "especially" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

See MPEP § 2173.05(d). More specifically, examiner is unclear if the word especially is synonymous with the phrase "for example". The use of the word especially makes the claim open-ended and thus the examiner is unable to determine the scope of the limitations presented in the claims.

i.       Claim 1 also uses the phrase "in such a way" in item (d). This phrase is indefinite because it is unclear if the limitations following the phrase are merely exemplary limitations and not essential parts of the invention. Similarly,

applicants use the phrase "such that" in the last section of claim 1. The phrase is indefinite for the same reasons as discussed above.

- b. **Claim 4** also uses the phrase "such that". This phrase is indefinite because it is unclear if the limitations following the phrase are merely exemplary limitations and not essential parts of the invention. Further, claim 4 includes "(within the meaning of the present invention)" it is unclear what is meant by this claim limitation. If applicant wishes to clarify the meaning of the word "calottes" applicant is advised to include the definition in the claim.
- c. **Claim 5** includes "(within the meaning of the present invention)" it is unclear what is meant by this claim limitation. If applicant wishes to clarify the meaning of the word "calottes" applicant is advised to include the definition in the claim.
- d. Regarding **claim 9**, the word "especially" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). More specifically, examiner is unclear if the word especially is synonymous with the phrase "for example". The use of the word especially makes the claim open-ended and thus the examiner is unable to determine the scope of the limitations presented in the claims.
  - ii. Claim 9 also uses the phrase "in such a way" in item (d). This phrase is indefinite because it is unclear if the limitations following the phrase are merely exemplary limitations and not essential parts of the invention. Similarly,

applicants use the phrase "such that" in the last section of claim 9. The phrase is indefinite for the same reasons as discussed above.

e. **Claim 12** also uses the phrase "such that". This phrase is indefinite because it is unclear if the limitations following the phrase are merely exemplary limitations and not essential parts of the invention. Further, claim 12 includes "(within the meaning of the present invention)" it is unclear what is meant by this claim limitation. If applicant wishes to clarify the meaning of the word "calottes" applicant is advised to include the definition in the claim.

f. **Claim 13** includes "(within the meaning of the present invention)" it is unclear what is meant by this claim limitation. If applicant wishes to clarify the meaning of the word "calottes" applicant is advised to include the definition in the claim.

Because each of the independent claims have been rejected under 35 USC 112 2<sup>nd</sup> paragraph, all claims depending therefrom are also rejected. Since examiner has not treated claims 6-8 and 14-16, applicants are advised to review these claims for possible 112 2<sup>nd</sup> paragraph issues.

### ***Conclusion***

4. If all objections and rejections presented above are successfully overcome, it appears that the application would be allowable over the prior art of record. Please review each application listed on form PTO-892.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Bugg can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Examiner  
Art Unit 2612

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Examiner, Art Unit 2612